

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES	:	
	:	
<i>Appellee</i>	:	
	:	
v.	:	No. 23-4179
	:	
DARRYL FRAZER,	:	
	:	
<i>Appellant</i>	:	

MOTION TO EXTEND TIME TO FILE FORM CJA 23

Appellant Darryl Frazer respectfully files the following Motion to Extend Time to File Form CJA 23. In support of this Motion, Mr. Frazer states as follows.

1. On October 31, 2022, Mr. Frazer proceeded to a jury trial in case number 19-cr-545-DLB (D. Md.). On March 9, 2023, Mr. Frazer appeared for sentencing following his convictions on certain counts. On March 13, 2023, the District Court issued its Judgment. That same day, Mr. Frazer timely noted his appeal to this Court. In the Notice of Appeal, trial counsel indicated that though he had been retained in the District Court, his former client, Mr. Frazer, is indigent and requires the appointment of counsel on appeal.

2. On April 5, 2023, this Court issued a Rule 45 Notice directing Mr. Frazer to file a Form CJA 23 financial affidavit by April 20, 2023.

3. At this time, Mr. Frazer respectfully requests that this Court extend the deadline to file the CJA 23 by fourteen days.

4. Immediately after sentencing, the undersigned counsel sent Mr. Frazer a letter containing the Form CJA 23 and asked that he return it to the undersigned or to the Clerk of this Court. At the time, Mr. Frazer was housed at the Chesapeake Detention Facility in Baltimore Maryland.

5. Shortly after sentencing, Mr. Frazer was moved to a local detention facility in Ohio.¹ He has since been moved to a Bureau of Prisons facility in Oklahoma.

6. The undersigned counsel has been unable to schedule a call with Mr. Frazer given the frequency with which he has been moved over the past several weeks.

7. The undersigned counsel can represent to this Court that Mr. Frazer wishes to pursue this appeal and that he is indigent.

8. Accordingly, the undersigned counsel respectfully requests that this Court grant Mr. Frazer an additional 14 days within which to file the Form CJA 23. The undersigned counsel hopes that mail will reach Mr. Frazer now that he is housed in a Bureau of Prisons facility.

¹ The District of Maryland is currently experiencing a pretrial detention facility crisis. District of Maryland detainees are regularly being housed in Philadelphia, Pennsylvania and Youngstown, Ohio. Neither facility provides regular access to secure legal phone calls or video visits. This crisis has complicated attorney-client communications on a widespread basis.

9. This motion is unopposed. The undersigned counsel has conferred with Assistant United States Attorney Adam Ake, who has indicated that the United States does not oppose this request.

10. Wherefore, Mr. Frazer requests that this Court grant him an additional 14 days to file a Form CJA 23 financial affidavit.

Respectfully submitted,
/s/

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 19, 2023, I electronically filed the foregoing with the Clerk of the United States Court of Appeals for the Fourth Circuit using the CM/ECF system and sent a copy via email to counsel for the United States.

_____/s/_____
Michael E. Lawlor